

AMENDMENT UNDER 37 C.F.R. § 1.114(c)
Application No.: 10/536,504

Attorney Docket No.: Q88025

REMARKS

Claim 1 is amended to further define the claimed invention.

Claim 20 is amended by replacing the term “therapeutic” with “antibacterial”.

Claims 21 and 22 are canceled.

Claim 23 is amended to depend from claim 20 in view of the cancellation of claim 22.

New claim 106 is added.

Support for the Amendment is found, for example, at pages 12-16 and the compounds exemplified in Tables 2-4 and the original claims.

No new matter is presented.

Claims 1, 7-9, 11-28, 30-32 and 37 are rejected under 35 U.S.C. § 112, first paragraph because the specification allegedly does not provide enablement for any aminoglycoside, linker group and a pharmacokinetic regulator attached at any position on an aminoglycoside antibiotic.

Claims 20 and 21 are further rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the enablement requirement. Specifically, the Examiner states that the term “therapeutic ingredients” in claim 20 encompasses all therapeutic agents having any activity such as anti-cancer agents, immune suppressing agents, anti-viral agents, anti-inflammatory agents, etc. The Examiner further states that the terms “antimicrobial” and “antiinfective” in claim 21 encompass all possible infections including viral infections.

Without conceding the merits of the rejections, claim 1 is amended herein by further defines the linker group L, the pharmacokinetic group Y, and the point of attachment of the pharmacokinetic group Y to the aminoglycoside antibiotic as described in the specification. The aminoglycoside moiety is a tobramycin moiety.

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Claim 20 is amended by replacing the term "therapeutic" with "antibacterial" and claim 21 is canceled, thereby obviating the rejection as to these claims.

New claim 106 depends from claim 1 and is directed to the specific tobramycin prodrugs exemplified in the specification in Tables 2-4.

In view of the above, one of ordinary skill in the art would be able to practice the claimed invention without undue experimentation based on the knowledge and skill in the art, the nature of the invention and the direction and guidance provided in the specification.

Accordingly, Applicants respectfully request withdrawal of the rejections under 35 U.S.C. § 112, 1st paragraph.

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,


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